S.B.Cr. Misc. Bail Application No.2565/2007
(Bhanwaroo Khan vs. State of Rajasthan)

Date of order : July 04, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Prithviraj Singh for the petitioner.
Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

The petitioner earlier moved a bail application before this Court under section 438 Cr.P.C. being S.B.Cr.Misc. Bail Application No.5930/2006, which came to be dismissed by this Court vide order dt. 8.1.2007, however, the petitioner was directed to surrender before the Investigating Officer and the Investigating Officer was directed to produce him on same day before the Court. The petitioner failed to comply with the order of this Court and did not surrender before the Investigating Officer up to 13.2.2007 and, therefore, he was declared absconder and a challan against him under section 299 Cr.P.C. for the offences under sections 420 and 406 I.P.C. has been filed before the trial court.

The petitioner by the instant bail application seeks bail under section 438 Cr.P.C. in anticipation of his arrest. When the earlier bail application came to be dismissed and the fact that the challan has been filed against the petitioner under section 299 Cr.P.C. declaring him absconder, in view of the decision of Hon'ble Supreme Court in Jagtar Singh vs. Satendra Kaur alias Bhavana Grover & Ors., **2002 Cr.L.R. (SC) 807**, the petitioner is not entitled for anticipatory bail. The apex Court held that when the accused are absconding, there is no question of granting anticipatory or regular bail.

In this view of the matter, the bail application filed by the petitioner under section 438 Cr.P.C. stands dismissed.

(H.R.PANWAR),J.

m.asif/-